

## LAWYERS BOARD SERVES THE BAR

By

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By the time this article is published, the Lawyers Professional Responsibility Board will have filed a petition in the Minnesota Supreme Court seeking an increase in the attorney registration fee beginning with payments due on July 1, 1984.

The current assessment for lawyers practicing three years or more is \$66, with \$54 earmarked for the Lawyers Board. The petition seeks to increase the total fee to \$82, with \$70 allocated to the Lawyers Board. A \$4 increase in the assessment for attorneys practicing under three years will also be sought.

Disciplinary enforcement is obviously an important function fulfilled by the Lawyers Board and the Director's office. As expenses have risen generally, so have the costs of litigation. Also, increased numbers of attorneys have generated an increasing number of disciplinary matters. These general factors would alone require some increase in the board's total budget and its need for revenue in the coming years.

Unfortunately, attorneys sometimes perceive the Lawyers Board as concerned solely with disciplinary enforcement. Important as this function is, the Lawyers Board serves the Bar by performing many nondisciplinary functions. Examples of these service activities include the following:

1. As outlined in my October, 1982 column, my office provides written advisory ethics opinions to individual lawyers. During 1983, 107 original written opinions were issued by my office. Numerous other inquiries resulted in the mailing of articles and opinions related to the subject of the inquiry. Over 1,000 staff hours were devoted to research, discussion and writing of advisory opinions, and this does not count the clerical time necessary to process the responses.
2. The Board itself devotes significant time to considering ethics issues outside a disciplinary setting. Recent consideration of such issues as homestead liens, entertainment by lawyers, and prosecutorial conflicts have required significant Board and staff resources.
3. During recent years, we have averaged more than 30 Continuing Legal Education and Bar Association speaking events. Thousands of lawyers have attended these events. Each presentation requires research, preparation, and often, written materials. In addition to oral presentations, we also write frequently for this and other publications on malpractice, ethics and disciplinary topics.
4. With 13,000 lawyers admitted to practice in Minnesota, we are frequently asked to provide information about a lawyer's disciplinary record to other bar admission agencies, judicial nominating commissions and similar bodies. This information is disclosed pursuant to the lawyer's request and with appropriate authorization. Even where the attorney does not have a disciplinary record, substantial time is necessary to check our records and prepare a response. Where complaints have

been dismissed or where discipline has been imposed, further resources are necessary to review and accurately summarize the files. Over 400 such requests were answered during 1983.

5. In my September, 1983 column, I informed the Bar of our new rules concerning expunction of dismissed complaints. Significant administrative time is necessary to review the files as they become five years old, and appropriately dispose of them. Nevertheless, we have been willing to devote this time because we believe that the equity and fairness issues involved are important enough to commit resources to this function.

6. I have encouraged the attorneys in my office to be active in Bar Association functions. During the past year, I and members of my staff have devoted considerable time to Bar Association committees and functions in order to be of assistance to the Bar as well as to be accessible to lawyers in a non-disciplinary setting.

When I was appointed Director five years ago, I resolved to continue the credible enforcement of lawyer standards. Equally important, however, was my commitment to educative and preventative activities. I have found during my administration that the Bar has responded by requesting our frequent involvement and assistance in speaking, writing and other educative and service activities. As the size of the Bar increases and as other events such as the proposal of a new Code occur, the demands for these services will only increase.

While requesting an increase in the attorney registration fee is a painful necessity, I am confident that the Bar realizes the desirability and necessity of maintaining these service activities. In the long run, these dollars are well spent and save many more dollars which would otherwise be spent on disciplinary enforcement.